

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

)
DELAINA BARNEY) CASE NO. 5:16-CV-0112
)
Petitioner-Appellant,) JUDGE BENITA Y. PEARSON
)
-vs-)
AKRON BOARD OF EDUCATION) **AKRON BOARD OF EDUCATION'S**
Respondent-Appellee.) **MOTION FOR ATTORNEY FEES**
) **AND COSTS AND TO LIFT THE**
) **STAY IN CASE NO 5:16-CV-0188**
)

Pursuant to Fed. R. Civ. P. 54(d), 28 U.S.C. § 1920, and 20 U.S.C. § 1415(i)(3)(B)(i)(II-III), and this Court's order (ECF No. 36), the Akron Board of Education moves the Court for an award of attorneys' fees and costs incurred in the defense of the administrative process and claims before this Court, the details of which have been previously pled by the Akron Board of Education in the filing of Case No. 5:16CV188, which is currently pending before this Court and now ripe for adjudication. Akron Board of Education requests that the Court lift the stay on Case No. 5:16CV188, so that all issues regarding attorneys' fees and costs in both matters may be resolved.

Alternatively, if the Court's preference is to apportion fees and costs currently included in Case No. 5:16CV188 allocated to the amounts associated only with Case No. 5:16CV0112, the Akron Board of Education respectfully requests an additional seven (7) days within which to provide this Court with the proper apportioned documentation.

Respectfully submitted,

s\Rhonda Porter
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CERTIFICATE OF SERVICE

I hereby certify that on, October 6, 2017, a copy of the foregoing was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

/s/ Rhonda Porter
Rhonda Porter (0076885)